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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,411	01/22/2001	Taku Ishizawa	Q62798	9456

7590 07/18/2005

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EXAMINER

VO, ANH T N

ART UNIT PAPER NUMBER

2861

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,411

Applicant(s)

ISHIZAWA ET AL.

Examiner

Anh T.N. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 17-23, 43, 45, 49-82, 86-90, 95-102 and 108-132 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 45, 49-82, 86-90, 95-102 and 108-132 is/are allowed.
- 6) ☒ Claim(s) 17, 19-23 and 43 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/7/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

Non-Final Rejection

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on July 7, 2005 has been entered.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 17, 19-23 and 43 are rejected under 35 USC 102 (a) as being anticipated by Kobayashi et al. (JP Pat. 11-005311A).

Kobayashi disclose in Figures 1-2 an ink cartridge comprising:

- first and second cases (112, 114) which constitute the cartridge case (110), said second case (114) having a circumferential portion;
- a flange section (112A) formed along an edge of an opening of the first case (112), wherein said circumferential portion of said second case (114) covers said flange section (112A); and
- at least one lug-shaped member (114A) which is formed on the second case (114) and engages with the flange section (112A), thereby coupling the first and second cases (112, 114) together,

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wherein said lug-shaped member (114A) protrudes inward from an inner surface of said circumferential portion;

- wherein a tapered surface (114A) and an engagement step section are formed on the lug-shaped member such that, when the second case (114) is attached to the first case (112), the flange section is relatively guided by and along the tapered surface to engage with the engagement step section;
- wherein the second case (114) is formed from a planar section acting as a cover and a fold section formed integral with and perpendicular to the planar section, and the lug-shaped member is formed on an interior surface of the fold section;
- wherein a plurality of independent lug-shaped members (114A) are intermittently formed on the second case (114);
- wherein slit holes (115, 121) are formed through the planar section of the second case to correspond in location to the plurality of independent lug-shaped members (114A), and to be elongated along the fold section; and
- wherein the film member (120) is sealed to the edge of the opening of the first case (112) by heat welding.

Allowable Subject Matter

Claims 1-11, 43, 45, 49-82, 86-90, 95-102 and 108-132 are allowed.


Claim 18 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. This claim would be allowable because none of the prior art references of record discloses an ink cartridge is mounted to the recording apparatus comprising an ink pack that is housed in a first case, the edge of the opening of the case is sealed by a film member, thereby realizing a sealed state, and wherein a second case functions as a cover for preventing expansion of the film member when the film member receives the pressurized air by a pump in the combination as claimed.

CONCLUSION

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo, whose telephone number is (571) 272-2262.

The fax number of this Group 2800 is (571) 273-8300.



ANH T.N. VO
PRIMARY EXAMINER

July 15, 2005